

# SENATE RECORD VOTE ANALYSIS

106th Congress  
1st Session

Vote No. 17

February 12, 1999, 12:08 p.m.  
Page S-1458 Temp. Record

## CLINTON IMPEACHMENT/Article I: Perjury

**SUBJECT:** Impeachment trial of William Jefferson Clinton for perjury and obstruction of justice. Article I.

**ACTION:** NOT GUILTY, 45-55

**SYNOPSIS:** On December 19, 1998, the House of Representatives impeached (indicted) President Clinton for perjury and obstruction of justice based on his actions and statements in relation to a Federal civil rights sexual harassment lawsuit that was filed against him by a former employee, Paula Corbin Jones.

**Article I, Perjury.** "In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the Office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice, in that: On August 17, 1998, William Jefferson Clinton swore to tell the truth, the whole truth, and nothing but the truth before a Federal grand jury of the United States. Contrary to that oath, William Jefferson Clinton willfully provided perjurious, false and misleading testimony to the grand jury concerning one or more of the following: (1) the nature and details of his relationship with a subordinate Government employee; (2) prior perjurious, false and misleading testimony he gave in a Federal civil rights action brought against him; (3) prior false and misleading statements he allowed his attorney to make to a Federal judge in that civil rights action; and (4) his corrupt efforts to influence the testimony of witnesses and to impede the discovery of evidence in that civil rights action. In doing this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States. Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States."

**Federal perjury laws and relevant cases.** There are two perjury statutes in the Federal criminal code: 18 U.S.C. 1621 and 18

(See other side)

YEAS (45)			NAYS (55)			NOT VOTING (0)	
Republicans (45 or 82%)	Democrats (0 or 0%)		Republicans (10 or 18%)	Democrats (45 or 100%)		Republicans (0)	Democrats (0)
Abraham	Hatch		Chafee	Akaka	Kennedy		
Allard	Helms		Collins	Baucus	Kerrey		
Ashcroft	Hutchinson		Gorton	Bayh	Kerry		
Bennett	Hutchison		Jeffords	Biden	Kohl		
Bond	Inhofe		Shelby	Bingaman	Landrieu		
Brownback	Kyl		Snowe	Boxer	Lautenberg		
Bunning	Lott		Specter	Breaux	Leahy		
Burns	Lugar		Stevens	Bryan	Levin		
Campbell	Mack		Thompson	Byrd	Lieberman		
Cochran	McCain		Warner	Cleland	Lincoln		
Coverdell	McConnell			Conrad	Mikulski		
Craig	Murkowski			Daschle	Moynihan		
Crapo	Nickles			Dodd	Murray		
DeWine	Roberts			Dorgan	Reed		
Domenici	Roth			Durbin	Reid		
Enzi	Santorum			Edwards	Robb		
Fitzgerald	Sessions			Feingold	Rockefeller		
Frist	Smith, Bob			Feinstein	Sarbanes		
Gramm	Smith, Gordon			Graham	Schumer		
Grams	Thomas			Harkin	Torricelli		
Grassley	Thurmond			Hollings	Wellstone		
Gregg	Voinovich			Inouye	Wyden		
Hagel				Johnson			

### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

U.S.C. 1623. Under 1621, it is a Federal felony offense to knowingly and willfully make a false statement about a material matter while under oath. Under 1623, it is a Federal felony offense to make a false statement about a material matter while under oath in a proceeding before or ancillary to any Federal court or Federal grand jury. Under 1621, with some exceptions as established by case law, there must either be two witnesses to the matter about which the defendant lies, or one witness and corroborating evidence. This "two witness" rule does not apply under 1623. In *Bronston v. United States*, the Supreme Court held that statements that are literally truthful and nonresponsive cannot by themselves form the basis for a perjury conviction. In *United States v. Swindall*, the court held that a perjury conviction can be reached even if statements have more than one interpretation as long as only one interpretation is reasonable under the circumstances. In *United States v. Doherty*, the court held that prosecution for perjury is not barred under *Bronston* "whenever some ambiguity can be found by an implausibly strained reading of the question" posed. In *United States v. DeZarn*, the 6th Circuit Court of Appeals ruled: "Because we believe that the crime of perjury depends not only upon the clarity of the questioning itself, but also upon the knowledge and reasonable understanding of the testifier as to what is meant by the question, we hold that a defendant may be found guilty of perjury if a jury could find beyond a reasonable doubt from the evidence presented that the defendant knew what the question meant and gave knowingly untruthful and materially misleading answers in response."

**Background facts.** In 1994 Ms. Paula Jones filed a Federal sexual harassment civil rights lawsuit against the President. That suit alleged that in 1991, when she was an Arkansas State employee, then-Arkansas Governor Clinton exposed himself to her in a crude sexual advance which she refused, and that she subsequently and consequently suffered numerous adverse employment actions and was defamed. President Clinton's defense team argued that he could not be sued while still in office. On July 10, 1995, at age 21, Monica Lewinsky began work as an unpaid White House intern. On November 15, 1995, at age 22, she spoke with President Clinton for the first time. Ms. Lewinsky was still an intern; she had been offered a job in the White House Office of Legislative Affairs but had not yet started. On the same day, in the Oval Office complex, they had a sexual encounter of the same type that Ms. Jones alleges the President solicited from her on the day they met. Ms. Lewinsky later testified that she did not think that the President even knew her name on that occasion or on several subsequent sexual encounters during the first month after their first encounter. Their sexual relationship lasted until May 1997. Ms. Lewinsky testified that it did not include intercourse. During this time frame, they were alone in the Oval Office area at least 21 times and had in excess of 50 telephone conversations, many of which were sexually explicit. The two agreed to lie about their relationship to keep it secret. They agreed that if anyone asked her why she visited the Oval Office she would say it was to visit Betty Currie, his secretary, or to deliver papers to the President.

On April 5, 1996, then-Deputy White House Chief of Staff Evelyn Lieberman transferred Ms. Lewinsky to a job at the Pentagon. Ms. Lieberman testified that one of the reasons she transferred Ms. Lewinsky was because of the appearance created by her frequent visits to the Oval Office area. Other White House personnel testified to the same effect. Ms. Lewinsky testified that the President told her on April 7 that he would bring her back to the White House after the upcoming presidential election if he won. Ms. Lewinsky became friends with Linda Tripp, a co-worker at the Pentagon. Ms. Lewinsky told Ms. Tripp of her relationship with the President (she also told several other people, including her mother, about that relationship while it was ongoing). Ms. Lewinsky testified that after her transfer she and President Clinton met only at public functions for the rest of 1996, but that he called her 4 or 5 times in the first month and 3 or 4 times in each of the remaining months of the year. After the election, in 1997, private meetings in the Oval Office area resumed (they were arranged by the President's secretary, Ms. Currie, and were usually on weekends to avoid discovery by other White House personnel). In April or May of 1997 Ms. Lewinsky testified that President Clinton told her that he had reason to believe she may have told her mother about their relationship, and he described that reason to her. She denied that she had told her mother. She further testified that on May 24th President Clinton told her that their sexual relationship would have to end, and he told her that he hoped they could remain friends and that he could do a great deal for her.

On May 27 the Supreme Court unanimously ruled that President Clinton could not delay the *Jones* sexual harassment civil suit against him until after his presidency. Ms. Lewinsky testified that she attempted to get rehired at the White House through September of 1997 but was unsuccessful. On July 3 she wrote a letter to the President that said that if she was not going to return to work at the White House, she would "need to explain to my parents exactly why that wasn't happening." She said that she wrote that letter because she was "very frustrated" that she could not get in touch with the President to discuss her job situation. On July 3, after receiving the letter, the President arranged for a 9:00am meeting with Ms. Lewinsky on July 4. Ms. Lewinsky testified that he started the meeting by telling her it is illegal to threaten the President, but that afterwards "he was the most affectionate" that "he'd ever been" with her, and she left the meeting certain that he was in love with her. Before leaving, she told him that she had heard about an article being written about Kathleen Willey, a former White House volunteer who claimed that the President had sexually harassed her. She testified that she told the President because she thought he might be able to "make this go away" by finding Ms. Willey a job. On July 14, as soon as Ms. Lewinsky returned from an overseas trip, Ms. Currie called her to an evening meeting with the President. He asked her if her source for the Ms. Willey story was Ms. Tripp. She confirmed that Ms. Tripp was her source. He then asked her to persuade Ms. Tripp to call White House lawyer and senior advisor Bruce Lindsey. He also asked her that day to call Ms. Currie the next day "without getting into details with her, even mentioning names with her," and to tell her if she had "mission-accomplished" . . . with Linda." In the fall of 1997 Ms. Tripp began to record her conversations with Ms. Lewinsky

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regarding her relationship with the President.

On October 1, 1997 the President was served with interrogatories in the *Jones* case asking about his sexual relationships with women other than his wife. On October 6, Ms. Lewinsky testified that she told Ms. Currie that she would like a job at the United Nations. She said she made that statement after Ms. Tripp told her that she had heard from White House sources that Ms. Lewinsky was not going to be rehired. She further testified: that she changed her mind about wanting a job at the United Nations; that she told President Clinton on October 11 that she wanted a job in New York in the private sector and that she wanted Vernon Jordan (a prominent lawyer with business contacts who was a friend of the President) to help her; and that on October 17 she sent President Clinton a "wish list" of private sector jobs, with a statement that she had no interest in working at the United Nations. On October 21 United States Ambassador to the United Nations Bill Richardson called her to arrange an interview on Friday, October 31 at her home. He attended that interview, a job was offered the following Monday, and it was held for her for nearly 2 months before she eventually declined to take it. According to Ms. Lewinsky, on November 3 or November 4 Ms. Currie told her to call Mr. Jordan's secretary to arrange a meeting about finding Ms. Lewinsky a job. She called and arranged a meeting on November 5. Mr. Jordan has testified that he does not recall the meeting and that he took no further action on her behalf before December.

On December 5 the *Jones* lawyers sent a witness list to the President's lawyer, Mr. Bennett. On December 6 Mr. Jordan had a meeting with the President. He testified that he was "fairly certain" they did not discuss the *Jones* suit or Ms. Lewinsky. Ms. Currie again asked Mr. Jordan to help Ms. Lewinsky find a job in New York. Ms. Lewinsky set up an appointment to meet with Mr. Jordan on December 11. On December 11 Mr. Jordan called top corporate executives at three Fortune 500 companies on behalf of Ms. Lewinsky. He then called President Clinton and told him of his efforts. Also on December 11 the judge in the *Jones* case issued an order permitting Ms. Jones' attorneys to pursue discovery concerning the names of any subordinate State or Federal employees with whom the President had had, proposed, or sought to have sexual relations. On December 15 Ms. Jones' attorneys asked the President to "produce documents that related to communications between the President and Monica Lewinsky." On December 17 President Clinton called Ms. Lewinsky and informed her of the death of Ms. Currie's brother, and also that her name was on the *Jones* witness list. Ms. Lewinsky testified that he suggested that she might be able to avoid testifying by signing an affidavit, and that he said she could say that she was coming to see Ms. Currie or that she was bringing him papers. Ms. Lewinsky testified that she understood implicitly that she was to continue to deny their relationship. Ms. Lewinsky had two interviews on December 18 that were arranged by Mr. Jordan.

On December 19 Ms. Lewinsky was subpoenaed to testify. The subpoena also directed her to produce all gifts that she had received from the President (the President and Ms. Lewinsky had given each other numerous gifts). She called Mr. Jordan, who invited her to his office. Mr. Jordan referred her to an attorney, Frank Carter. Mr. Jordan testified that he informed President Clinton of the meeting before it occurred and briefed him afterwards. He testified that he asked both Ms. Lewinsky and President Clinton if they had had sexual relations, and that they both denied it. Mr. Jordan testified, "You didn't have to be Einstein to know that that was a question that had to be asked by me at that particular time, because heretofore this discussion was about a job. The subpoena changed the circumstances." Ms. Lewinsky said she believed Mr. Jordan knew of the relationship, and that she interpreted his question as asking her what she was going to say, rather than what was the truth.

Ms. Lewinsky saw Mr. Carter on December 22. She brought some of the gifts from the President, but she testified that she had decided to conceal those gifts that she thought would suggest some special relationship with the President. On December 28 she met with the President. Ms. Lewinsky testified that they discussed the subpoena, and that they were both concerned that it mentioned a specific gift that he had given her. Ms. Lewinsky testified that she then suggested giving the gifts to Ms. Currie and that the President responded "I don't know" or "Let me think about that." Later in that meeting he gave her additional gifts. In her testimony, Ms. Lewinsky's consistent recollection was that later that day Ms. Currie called her at home and stated, "I understand you have something to give me" or "the President said you have something to give me." Ms. Lewinsky also testified that Ms. Currie later drove to Ms. Lewinsky's apartment, picked up a box containing gifts the President had given Ms. Lewinsky, and took it without any questions. Ms. Currie testified that she took the box home and put it under her bed. The President has denied that he ever spoke to Ms. Currie about picking up the gifts, and Ms. Currie testified that she did not recall the President asking her to pick up the gifts. She also testified that she knew what was in the box. On December 23 the President responded to the *Jones* interrogatory asking for the names of subordinate employees with whom he had had or sought sexual relations: "None."

On December 31 Mr. Jordan and Ms. Lewinsky met for breakfast. Ms. Lewinsky testified that she told Mr. Jordan that there were notes in her apartment that suggested the nature of her relationship with the President, and that Mr. Jordan told her to dispose of those notes. Mr. Jordan initially denied that he had met with her on that date, but when shown receipts for the breakfast he said that his memory was refreshed and he recalled the nature of the conversation, but he denied he told her to dispose of the notes. On January 5 Mr. Carter told Ms. Lewinsky that he would draft an affidavit for her to sign in hope of averting her deposition. Ms. Lewinsky spoke with the President on the phone later that day at her request, and she testified that they discussed the affidavit, that she said she was concerned that people at the White House who did not like her might contradict her story about why she was transferred to the Pentagon, and that the President suggested she could say that the people in Legislative Affairs got her the Pentagon job. The President testified he had no specific recollection of that conversation. On January 6 Ms. Lewinsky picked up a draft of

the affidavit and called Mr. Jordan to discuss it. Ms. Lewinsky said that she and Mr. Jordan made changes to the affidavit, though Mr. Jordan maintains that he did not discuss changes. Within 30 minutes of speaking with Ms. Lewinsky, Mr. Jordan called and spoke with the President for 13 minutes. He then called Mr. Carter. Over the course of that day, he called the White House twice, Ms. Lewinsky three times, and Mr. Carter four times. Mr. Carter billed Ms. Lewinsky for those calls. Mr. Jordan denied any connection between his conversations with the President and his conversations with Mr. Carter, and said he believed that he called Mr. Carter to see "how he was dealing with this highly emotional lady."

On January 7, 1998 Ms. Lewinsky signed the final version of the affidavit. The affidavit included the following passage: "I have never had a sexual relationship with the President, he did not propose that we have a sexual relationship, he did not offer me employment or other benefits in exchange for a sexual relationship, he did not deny me employment or other benefits for rejecting a sexual relationship. . . . The occasions that I saw the President after I left my employment at the White House in April, 1996, were official receptions, formal functions or events related to the U.S. Department of Defense, where I was working at the time. There were other people present on those occasions." Mr. Jordan made three calls to the White House on that day. He testified: "I knew the President was concerned about the affidavit and whether it was signed or not"; that it was "a reasonable assumption" that the President knew the affidavit denied a sexual relationship; that the President said "fine, good" when he was told that she had signed the affidavit; and that he said "good" when he told him that he was still working to find her a job.

On January 8, the day after she signed the affidavit, Ms. Lewinsky had an interview at a Fortune 500 company, MacAndrews & Forbes Holdings, Inc. (MFH). She was told that her resume would be passed on to Revlon, an MFH company. Ms. Lewinsky told Mr. Jordan the interview had gone "very poorly." He called the chairman of MFH, Mr. Perelman, to recommend Ms. Lewinsky. Mr. Perelman testified that he did not recall Mr. Jordan ever before calling to recommend someone. Mr. Jordan then called Ms. Lewinsky and told her "I'm doing the best I can to help you out." That same day, Ms. Lewinsky received a call from Revlon inviting her to another interview. On the morning of January 9, Ms. Lewinsky interviewed with Ms. Seidman, Senior Vice President of MFH and with two individuals at Revlon. Early that afternoon Ms. Seidman called Ms. Lewinsky and offered her a job which she accepted. Ms. Lewinsky called Mr. Jordan with the news. Mr. Jordan testified: that his "magic" was responsible for her getting the job; that he notified Ms. Currie and the President immediately; that he told Ms. Currie "mission accomplished"; and that he told the President directly that "'Monica Lewinsky's going to work for Revlon,' and his response was, 'thank you very much.'"

On January 12 Ms. Tripp went to the Office of the Independent Counsel (OIC) with the tapes she had been making of her conversations with Ms. Lewinsky. On January 16 Attorney General Reno and the 3-judge panel overseeing the OIC approved the OIC beginning a formal investigation of whether the President was guilty of subornation of perjury and obstruction of justice in the *Jones* case. Federal Bureau of Investigation (FBI) agents and U.S. attorneys offered Ms. Lewinsky an immunity deal on January 16. She then obtained a new lawyer, Mr. Ginsberg, with her family's help. Mr. Ginsberg advised her not to accept the deal until he had reviewed it.

The President was scheduled to be deposed on January 17. His lawyers called Ms. Lewinsky's attorney once on January 14, twice on January 15, and once on January 16. On January 15 Mr. Carter sent a copy of the affidavit to Mr. Clinton's counsel. Mr. Carter also called the court twice on January 16 to make sure that the affidavit could be filed on January 17. The affidavit was filed along with a motion to quash the subpoena. During his deposition, the *Jones* attorney proposed using a standard, 3-part courtroom definition of sexual relations for reference during questioning. President Clinton's attorney objected. The second 2 parts were dropped by the judge. The resulting definition that was used for the purposes of the deposition was that a person engages in sexual relations when that person knowingly engages in or causes contact with [certain enumerated body parts] with an intent to arouse or gratify the sexual desire of any person. During that deposition, Mr. Bennett, the President's lawyer, urged the judge to limit questions about Ms. Lewinsky because her affidavit stated that she did not have sex of any kind in any manner, shape or form, with President Clinton (Mr. Bennett withdrew that characterization on a later date upon learning that it was false). At several points in the deposition President Clinton mentioned Ms. Currie, and suggested that she be questioned by the court.

Questions and answers in that deposition included the following: Question: Did you have an extramarital sexual affair with Monica Lewinsky? Answer: No. Question: If she told someone that she had a sexual affair with you beginning in November of 1995, would that be a lie? Answer: It's certainly not the truth. It would not be the truth. Question: \* \* \* And so the record is completely clear, have you ever had sexual relations with Monica Lewinsky, as that term is defined in Deposition Exhibit 1, as modified by the court [the truncated definition]? Answer: I have never had sexual relations with Monica Lewinsky. I've never had an affair with her. Question: \* \* \* within the past two weeks has anyone reported to you that they had a conversation with Monica Lewinsky concerning this lawsuit? Answer: I don't believe so. I'm sorry, I just don't believe so. Question: At any time have you and Monica Lewinsky ever been alone together in any room in the White House? Answer: I think I testified to that earlier. I think that there is a, it is--I have no specific recollection, but it seems to me that she was on duty on a couple of occasions working for the legislative affairs office and brought me some things to sign, something on the weekend. That's--I have a general memory of that. Question: Has Monica Lewinsky ever given you any gifts? Answer: Once or twice. I think she's given me a book or two. Question: Well, have you ever given any gifts to Monica Lewinsky? Answer: I don't recall. Do you know what they were? Question: A hat pin? Answer: I don't, I don't remember. But I certainly, I could have. Question: \* \* \* Have you ever talked to Monica Lewinsky

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about the possibility that she might be asked to testify in this lawsuit? Answer: I'm not sure, and let me tell you why I'm not sure. It seems to me the, the, the--I want to be as accurate as I can here. Seems to me the last time she was there to see Betty before Christmas we were joking about how you--all, with the help of the Rutherford Institute, were going to call every woman I'd ever talked to and ask them that, and so I said you would qualify, or something like that. I don't think we ever had more of a conversation than that about it . . . Question: Did she tell you she had been served with a subpoena in this case? Answer: I don't know if she had been. Question: Did anyone other than your attorneys ever tell you that Monica Lewinsky had been served with a subpoena in this case? Answer: I don't think so. Question: [After being read the paragraph from Ms. Lewinsky's affidavit denying a sexual relationship with the President] Is that a true and accurate statement? Answer: That is absolutely true.

After his deposition on January 17, President Clinton called Ms. Currie and asked her to meet with him at the White House on Sunday, January 18. Ms. Currie testified that he told her he had been asked questions about Monica Lewinsky at his deposition, and that "There are several things you may want to know." He then made the following series of statements: "You were always there when she was there, right?" "We were never really alone." "Monica came on to me, and I never touched her, right?" "You could see and hear everything, right?" She also testified that the President said that Monica "wanted to have sex with me, but I told her I couldn't do that." Ms. Currie also told the grand jury that his remarks were "more like statements than questions" and that she concluded that the President wanted her to agree with him. She also said that she thought he wanted to see her reaction. She indicated her agreement though she knew that the President and Ms. Lewinsky had been alone in the Oval Office and in the President's study, and she could not hear or see them while they were alone. Finally, Ms. Currie testified that two or three days later President Clinton called her into the Oval Office and made the statements to her again.

Ms. Currie paged Ms. Lewinsky four times on Sunday after her first meeting with the President. President Clinton called her late Sunday evening to see if she had reached Ms. Lewinsky (she had not). She called or paged her 8 more times the next morning. She failed to reach Ms. Lewinsky, and so informed the President. Mr. Jordan also unsuccessfully tried to reach Ms. Lewinsky that morning. That afternoon Mr. Jordan met with the President in the Oval Office. Later that day Mr. Carter informed Mr. Jordan that Ms. Lewinsky had obtained new counsel. Mr. Jordan so informed the President in a phone call, also on January 19.

On January 21, *the Washington Post* reported that Independent Counsel Starr was investigating whether the President had urged Ms. Lewinsky to commit perjury in the *Jones* suit by denying her affair with the President. The White House issued a statement declaring that the President was "outraged by these allegations" and that "he has never had an improper relationship with this woman." White House spokesman McCurry said that the statement was personally approved by the President. The President's Chief of Staff and two of his deputies testified that the President told them that he did not have sexual relations with Ms. Lewinsky. One of those deputies, John Podesta, testified that the President later told him that he had not had sex with Ms. Lewinsky in any way whatsoever, including the type of sex act that Ms. Jones alleged he solicited from her. Another aide, Sidney Blumenthal, testified that later on January 21 the President told him that Ms. Lewinsky had made a sexual demand on him and that he had rebuffed her. He also told him that she was known among her peers as the "stalker" and that she would say that she had an affair with the President, true or not, in order to get rid of that reputation. Also on January 21, the President had political consultant Dick Morris conduct an overnight poll to judge how the public would react if he were guilty of adultery, perjury, or obstruction of justice. Mr. Morris testified that the poll showed the public would forgive adultery but not obstruction of justice or perjury, to which he said that the President responded that "we just have to win then." Shortly after the President met with Mr. Blumenthal numerous press reports began to appear that, citing White House sources, portrayed Ms. Lewinsky as a "stalker" and as an "untrustworthy climber obsessed with the President." Over the next several days, President Clinton made several public denials of any sexual or other improper relationship with Ms. Lewinsky.

Over the next 6 months the OIC continued investigating the allegations and negotiating an immunity agreement with Ms. Lewinsky over her false affidavit. The OIC attempted to reach an agreement with the President for him to testify voluntarily before the grand jury hearing the evidence. On July 28, 1998, an immunity agreement was reached for Ms. Lewinsky and her parents. On July 29, the President agreed to testify and a subpoena that had been issued for his testimony on July 25 was withdrawn. On July 30 the press reported that Ms. Lewinsky had given the OIC a dress that she said had a stain that proved the sexual nature of her relationship with the President (the existence of such a dress had previously been suggested, but had been denied by Ms. Lewinsky's lawyer). Ms. Lewinsky testified before the OIC grand jury on August 6. She testified that her affidavit in the *Jones* case was false. She gave extensive details of the relationship and provided corroborating evidence such as contemporaneous notes. She described specific sexual acts that they performed on each other, including touching by the President of certain of her body parts enumerated in the *Jones* definition.

On August 17 President Clinton testified before the grand jury. The *Jones* case was still under appeal (the President later settled the case out of court by making an \$850,000 payment without any admission of guilt). He began his testimony by making the following statement: "When I was alone with Ms. Lewinsky on certain occasions in early 1996 and once in early 1997, I engaged in conduct that was wrong. These encounters did not consist of sexual intercourse. They did not constitute sexual relations as I understood that term to be defined at my January 17th, 1998 deposition. But they did involve inappropriate intimate contact. These inappropriate encounters ended, at my insistence, in early 1997. I also had occasional telephone conversations with Ms. Lewinsky

that included inappropriate sexual banter. I regret that what began as a friendship came to include this conduct, and I take full responsibility for my actions." He further stated that he would answer questions about definitions, but for any questions about specific "inappropriate intimate" conduct he would refer only to this statement. Questioning on the facts then began. The President's answers for the next 4 hours were, by his own lawyers' admission, "maddening," misleading, and nonresponsive (though his lawyers insisted they were not perjurious because they said that in his mind he believed he was telling the truth). Many questions were asked repeatedly for clarification or to get responses to the questions asked.

Gradually, the following points were established: he maintained that under the *Jones* definition of sexual relations, if one person's lips came into contact with one of the body parts of another person, and if that body part was enumerated in the definition, then that person would be having sexual relations, but the other person would not be having sexual relations because that person would only be touching the first person's lips, which were not listed in the *Jones* definition (in other words, the President said that one person would be having sexual relations and the other would not); he affirmed other specific contact that he said that would fall under the *Jones* definition and repeated that he had not engaged in sexual relations under the definition (Ms. Lewinsky's testimony was that he had made that specific contact); under his own definition of sexual relations, the President maintained that a sexual relationship would not necessarily include intercourse only, but that it would include intercourse, and that therefore, if Ms. Lewinsky had the same personal definition, her affidavit was true as he had affirmed in his *Jones* deposition; he maintained that he was not paying close attention when his lawyer in the *Jones* deposition said "Counsel is fully aware that Ms. Lewinsky has filed, has an affidavit which they are in possession of saying that there is absolutely no sex of any kind in any manner, shape or form, with President Clinton"; he maintained that if he had been paying close attention, the statement could still have been viewed as true, depending" on what the meaning of the word 'is' is" (in other words, if there were an ongoing relationship); he said he recalled being alone with Ms. Lewinsky approximately 14 times; he frequently testified that his memory of his conversations with Mr. Jordan was unclear; he testified that he recalled telling Ms. Lewinsky that if the gifts he had given her were subpoenaed she would have "to give them whatever she had"; he denied asking Ms. Currie to pick up a box of gifts from Ms. Lewinsky; he claimed that his 5 statements to Ms. Currie after his *Jones* deposition (see above for those statements) were made to refresh his memory; he stated that he did not remember repeating those statements to her 2 or 3 days later, and he said that his statement that he never had been alone with Ms. Lewinsky could have been true (he said it depended on the definition of the word "alone"); he stated he believed the *Jones* case was baseless and politically motivated, but affirmed that belief did not give him the right to commit perjury or to obstruct justice; he stated about his *Jones* deposition, "I was determined to walk through the mine field of this deposition without violating the law, and I believe I did"; he testified that he told several people after his deposition that he had not had sexual relations with Ms. Lewinsky, and that those statements "may have been misleading" but were true; he said that he did not remember if he had told Mr. Podesta that he had not had sex with Ms. Lewinsky in any way whatsoever, including the particular sex act that Ms. Jones alleged the President solicited from her; when asked about specific physical actions he took with Ms. Lewinsky, he replied that he did not remember or he reverted to his opening statement; he said he did not recall telling her in connection with her testimony that she could say she was visiting Ms. Currie or bringing him papers.

Subsequent DNA analysis of a stain on a dress that Ms. Lewinsky kept after a private meeting with the President confirmed the sexual nature of their relationship.

NOTE: A two-thirds majority vote of those Senators present and voting is required to convict on an article of impeachment. Conviction on an article of impeachment results in the convicted party being removed from office and banned from holding future office. After this vote, the Senate immediately voted on the second article of impeachment (see vote No. 18).

Debate on the articles was held in closed session. However, the Senate had earlier agreed to a motion to permit each Senator to submit into the Congressional Record any statement he or she made during closed-session, final deliberations on the articles, and a majority of Senators exercised that option. Any colloquies or references to statements made by other Senators would require the consent of all the Senators involved before they could be placed into the Congressional Record. The arguments of the House Managers and of the President's lawyers were expressed in those statements, as were additional views. The articles were debated concurrently, and the views expressed on process and constitutional issues were the same for both articles.

**For debate, see vote No. 18.**